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FILED

FEB 2 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES MAGISTRATE COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 PEDRO DANIEL RODRIGUEZ, and)
17 YUNIBA ELIZABETH CORDERO)
18 Defendants.)

No. 3:11-MJ-71425

[PROPOSED] ORDER AND
STIPULATION FOR CONTINUANCE
FROM FEBRUARY 8, 2012 TO
FEBRUARY 23, 2012 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

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20 With the agreement of the parties, and with the consent of the defendant, the Court enters
21 this order scheduling an arraignment or preliminary hearing date of February 23, 2012 at 9:30
22 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
23 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
24 Speedy Trial Act, 18 U.S.C. § 3161(b), from February 8, 2012 to February 23, 2012. The parties
25 agree, and the Court finds and holds, as follows:

26 1. The defendants are currently in custody.

27 2. The defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §

28 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence.

2 3. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in their
5 clients' best interest, and that it is not in their clients' interest for the United States to indict the
6 case during the normal 14-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from February 8, 2012 to
11 February 23, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18
12 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on February 23, 2012, at 9:30 a.m., and (2) orders
15 that the period from February 8, 2012 to February 23, 2012, be excluded from the time period for
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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19 IT IS SO STIPULATED:

20
21 DATED: February 2, 2012

/s
ELIZABETH FALK
Attorney for Defendant Pedro Rodriguez

22
23 DATED: February 2, 2012

/s
LINDA FULLERTON
Attorney for Defendant Yuniba Cordero

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25 DATED: February 2, 2012

/s
AARON D. WEGNER
Assistant United States Attorney

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1 IT IS SO ORDERED.
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3 DATED: 2-2-12

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HON. MARIA-ELENA JAMES
United States Magistrate Judge